

Patent  
Attorney Docket: 53951-039

### REMARKS

#### Statement under 37 CFR 1.133(b), of Substance of Telephone Interview with the Examiner

On February 5, 2004, Applicant discussed the final office action with the Examiner. Applicant proposed to broaden the claims, which were formerly limited to hemofiltration, to a blood treatment. The Examiner agreed that would not affect the conclusions regarding allowability and requested the title be amended to make it consistent with the amendment. Applicant also proposed that language in claim 6 to the effect that fluid could not pass to the waste side misdescribed the invention and that it should be amended to remove that recitation. Examiner agreed.

#### Title

During the telephone conference with the Examiner, the Examiner requested that the title be amended to better fit the claims, which have been amended to removed the limitation to hemofiltration. The title has been amended accordingly.

#### Declaration

The Office Action objected to the declaration for failing to claim priority under 35 USC 120. A new declaration is attached to the present amendment.

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Claim Rejections - 35 USC §112

Claim 43 was rejected under 35 USC 112. Claim 43 is canceled, thereby obviating the need for a correction.

Claim Rejections - 35 USC §102 and §103

All rejected claims are canceled by this amendment.

Allowable Subject Matter

The only remaining claims were indicated to be allowable in the final office action. The Examiner agreed the amendments that have been made would place the application in condition for allowance.

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If the Examiner would like to discuss any of the issues in the present amendment or any relating to the application, the Examiner is invited to call Applicant's attorney at 202-778-1118.

Please charge or credit Deposit Account No. 16-2500 for all fees as needed.

Respectfully submitted,

PROSKAUER ROSE, LLP

Dated: 6/10/2004

By: 

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